

***United States Court of Appeals
for the Second Circuit***



APPENDIX

PAGINATION AS IN ORIGINAL COPY

INDEX TO APPENDIX

	<u>Page</u>
1. Notice from Immigration and Naturalization Service, dated 12/17/74, directing petitioner to surrender for deportation.....	1
2. Warrant of deportation dated 12/14/74.....	2
3. Letter dated 11/25/74 from Immigration and Naturalization Service to petitioner.....	3
4. Decision of Board of Immigration Appeals dated 11/13/74.....	4, 5, 6, 7
5. Memorandum of Decision of United States District Judge Robert C. Zampano dated 6/25/74.....	8, 9, 10, 11
6. Notice of appeal to Board of Immigration Appeals dated 5/20/74.....	12
7. Petitioner's Motion to reopen deportation proceedings, to reinstate voluntary departure and to stay deportation.....	13, 14, 15
8. Decision of Immigration Judge dated 5/7/74..	16, 17, 18, 19
9. Transcript of deportation hearing held on 1/22/74.....	20 to 35
10. Memorandum of Creation of Record of Lawful Permanent Residence.....	36
11. Letter from Immigration and Naturalization Service, dated 7/14/72, to petitioner's attorney advising him of rescission of adjustment of status.....	37
12. Letter from Immigration and Naturalization Service, dated 6/7/72, to petitioner advising him of proposed revocation of status as lawful permanent resident.....	38, 39

INDEX TO APPENDIX

	<u>Page</u>
13. Decision on application for status as permanent resident.....	40
14. Application for status as lawful permanent resident dated 1/15/73.....	41 to 45
15. Petition to classify status of alien relative for issuance of immigrant visa.....	46, 47

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Room 367 Post Office Building
Hartford, Connecticut 06101

File No. A-18 040 882 (DB)
Date: December 17, 1974

Mr. Candido Pereira Barreira
84 James Street
Bridgeport, Connecticut 06604

cc: John A. Arcudi, Esquire
285 Golden Hill Street
Bridgeport, Connecticut
06604

Dear Mr. Barreira:

As you know, following a hearing in your case you were found deportable and the hearing officer has entered an order of deportation. A review of your file indicates there is no administrative relief which may be extended to you, and it is now incumbent upon this Service to enforce your departure from the United States.

Arrangements have been made for your departure to Portugal on
(country)

Thursday, December 26, 1974 from Hartford, Connecticut
(date) (port of departure)

on prearranged transportation.

(name of vessel, airline, or other transportation)

You should report to a United States Immigration Officer at Room 367,
135 High Street, Post Office Building (No.)
Hartford, Connecticut at 1:00 P.M., Thursday, December 26, 1974
(address) (hour and date)

completely ready for deportation. At the time of your departure from
Hartford, Connecticut you will be limited to 44 pounds of baggage.
(place of surrender)

Should you have personal effects in excess of this amount you must immediately contact Mr. Hunt or Mr. La Pointe at 244-2527 or
(name of officer) (phone no. and ext.)

call in person at the address noted above, and appropriate disposition of your excess baggage will be discussed with you.

Very truly yours,

James E. Smith
James E. Smith
District Director

Form I-166
(Rev. 4-1-69)

GPO 873-570

UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE
Hartford, Connecticut 06101

TO HARTFORD

WARRANT OF DEPORTATION

ONLY COPY AVAILABLE
No. A-17

To any Officer or Employee of the United States Immigration and Naturalization Service.

After due hearing before an authorized officer of the United States Immigration and Naturalization Service, and upon the basis thereof, an order has been duly made that the alien, CANDIDO PEREIRA BARREIRA,

who entered the United States at New York, New York

on - the 18th day of July, 1968, is subject to deportation under the following provisions of the laws of the United States, to wit:

Section 241(a)(2) of the Immigration and Nationality Act.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his direction, command you to take into custody and deport the said alien pursuant to law, at the expense of the appropriation "Salaries and Expenses, Immigration and Naturalization Service, 1975" including the expenses of an attendant, if necessary.

Signature: *[Signature]*

Title: DISTRICT DIRECTOR

Date: DECEMBER 14, 1974

Place: HARTFORD, CONNECTICUT

UNITED STATES DEPARTMENT OF JUSTICE

Immigration and Naturalization Service
Room 367 Post Office Building
Hartford, Connecticut 06101

PLEASE REFER TO THIS FILE NUMBER
A-18 040 882 (DB)

November 25, 1974

Mr. Candido Pereira Barreira
84 James Street
Bridgeport, Connecticut 06604

Dear Mr. Barreira:

Reference is made to the decision dated November 13, 1974 rendered by the Board of Immigration Appeals, Washington, D. C. concerning your case.

Please note the below checked action which has been taken in your case.

- ☐ You have violated the terms of your admission as a nonimmigrant. Consequently, permission previously granted you to remain in the United States is rescinded. You are required to depart from the United States at your own expense on or before _____.
- ☒ In accordance with a decision made in your case you are required to depart from the United States at your own expense on or before DECEMBER 13, 1974.
- ☐ Your application for an extension of time in which to depart from the United States has been _____ . You are required to depart on or before _____.

You must notify this office, Room No. 367, on or before December 3, 1974, of the arrangements you have made to effect your departure, including the date, place, and manner. You should present a confirmed reservation of your departure to this office.

Failure to depart on or before the specified date may result in the withdrawal of voluntary departure and action being taken to effect your deportation.

If there is a bond outstanding in your case, you are warned that to expedite cancellation of the bond and return of the collateral posted, you must make advance arrangements with this office to have your departure witnessed by an officer of this Service.

USE THE ENCLOSED SELF-ADDRESSED CARD TO NOTIFY THIS OFFICE REGARDING DEPARTURE ARRANGEMENTS. POSTAGE IS NOT REQUIRED. At the time of your departure, do not fail to surrender Form I-94, ARRIVAL-DEPARTURE RECORD, in accordance with instructions on that form.

cc: John A. Arcudi, Esquire
285 Golden Hill Street
Bridgeport, Connecticut 06604

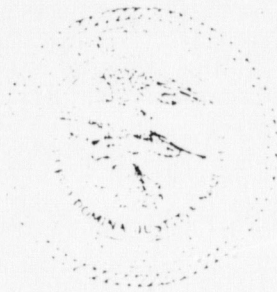
Very truly yours,

James E. Smith
James E. Smith
DISTRICT DIRECTOR

FOR IMMIGRATION AND NATURALIZATION USE ONLY

Departed:

Port _____ Date _____ ☐ I-94 stamped ☐ I-530 submitted
To _____ Via _____ ☐ I-161 prepared ☐ I-156 prepared



720/0
United States Department of Justice
Board of Immigration Appeals
Washington, D.C. 20530

November 13, 1974

John A. Arcudi, Esquire
285 Golden Hill Street
Bridgeport, CT 06604

BARREIRA ✓
A18 040 882

Dear Sir:

Reference is made to your interest in the above case.

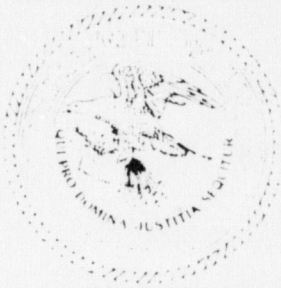
For your information, there is enclosed herewith copy of the decision and order of the Board of Immigration Appeals.

Sincerely yours,

Warren R. Torrington

Warren R. Torrington
Acting Chairman

Enc.



United States Department of Justice

Board of Immigration Appeals

Washington, D.C. 20530

NOV 1 1974

File: A18 040 882 - Hartford

In re: CANDIDO PEREIRA BARREIRA

IN DEPORTATION PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: John A. Arcudi, Esquire
285 Golden Hill Street
Bridgeport, Connecticut 06604

CHARGE:

Order: Section 241(a)(2), I&N Act (8 U.S.C.
1251(a)(2)) - Nonimmigrant
visitor for pleasure - re-
mained longer than permitted

APPLICATION: Voluntary departure anew

This is an appeal from an order of an immigration judge denying the respondent's motion to stay the deportation proceedings and to reinstate voluntary departure. Oral argument is requested by the respondent. Oral argument will be denied. The appeal will be dismissed. We shall grant 30-day voluntary departure.

On appeal counsel argues (1) that the immigration judge had authority to reinstate voluntary departure and stay deportation, and (2) that the respondent is protected from deportation by the provisions of section 241(f) of the Immigration and Nationality Act.

In Matter of Yeung, 13 I&N Dec. 528 (BIA 1970), we stated that an immigration judge has the authority to reopen deportation proceedings for the limited purpose of considering an application by an alien, who had permitted a prior grant of voluntary departure to expire, to be granted voluntary departure anew. However, we further added that the District Director has the sole authority to specify the terms and conditions of that privilege. Therefore, in the present case, the immigration judge did have the authority to reopen the proceedings in order to consider a renewed application for voluntary departure.

Under 8 C.F.R. 243.4 the District Director has sole authority to grant a stay of deportation.

We find no merit in counsel's contention that termination under section 241(f) is required. By his own admission the respondent entered as a nonimmigrant visitor. He remained for a longer period than authorized and it was on this basis that the Service alleges deportability. Under these circumstances, the benefit of section 241(f) is not available to him, Cabuco-Flores v. INS, 477 F.2d 108 (9 Cir. 1973); Milande v. INS, 484 F.2d 774 (7 Cir. 1973); Preux v. INS, 484 F.2d 396 (10 Cir. 1973); Matter of Mangabat, Interim Decision 2131 (BIA 1972).

We shall, however, grant the respondent another opportunity to depart voluntarily within 30 days. Accordingly, the following order will be entered.

ORDER: The request for oral argument is denied.

FURTHER ORDER: The appeal is dismissed.

FURTHER ORDER: The outstanding order of deportation is withdrawn and the alien is permitted to depart from the United States voluntarily without expense to the

A18 040 882

Government, to any country of his choice, within such period of time, in any event not less than 30 days, and under such conditions as the officer-in-charge of the district deems appropriate.

FURTHER ORDER: If the alien does not depart from the United States in accordance with the foregoing, the immigration judge's order of deportation will be reinstated and executed.

Acting Chairman

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

IN THE MATTER OF: :
: :
CANDIDO PEREIRA BARREIRA :
: :
v. : CIVIL NO. N-74-135
: :
JAMES E. SMITH, District :
Director, Immigration and :
Naturalization Service :

MEMORANDUM OF DECISION

Petitioner, Candido Pereira Barreira, seeks a writ of habeas corpus to stay deportation proceedings until he has an opportunity to exhaust the appellate administrative remedies available to him after the denial of his Motion to Reopen Proceedings to Stay Deportation and Reinstate Voluntary Departure by Judge Eugene Cassidy of the Immigration Service.

The petitioner is a citizen of Portugal who entered the United States in the summer of 1968 as a visitor. The petitioner's status was adjusted to that of permanent resident in 1970 but was thereafter rescinded when the Immigration and Naturalization Service discovered alleged improprieties in obtaining the permanent resident designation. This rescission was never appealed administratively since petitioner had in the meantime married a permanent resident who immediately obtained a visa petition for him.

Thereafter, petitioner and his wife had two children, both United States citizens. When petitioner's wife subsequently filed for a divorce in the state court, she also revoked the visa petition; and on January 22, 1974, deportation proceedings were held before Immigration Judge Cassidy in Hartford. With evidence of a possible reconciliation before him, Judge Cassidy issued alternative orders of voluntary departure by April 1, 1974, or deportation.

Evidently to forestall deportation, petitioner, after having failed to leave voluntarily by April 1, 1974, moved to reopen proceedings, stay deportation and reinstate voluntary departure on April 16, 1974. Judge Cassidy rejected these motions on May 9, 1974.^{1/} Petitioner has now appealed that denial to the Board of Immigration Appeals and requested oral argument on two main issues: (1) whether the Immigration Judge had jurisdiction to reinstate voluntary departure on a motion to reopen deportation proceedings^{2/} and (2) whether deportation proceedings are appropriate against a parent of United States citizens. CF. 8U.S.C. § 1251(F); Immigration Service v. Errico, 385 U.S. 214 (1966). He now

^{1/} Incident to these motions, petitioner sought habeas relief in this Court to stay deportation until Judge Cassidy ruled. The Court took the case under advisement and thereafter dismissed the action as moot when Judge Cassidy ruled on petitioner's motion. See In Re Barriera, Civil No. B-74-146 (D.Conn. May 6, 1974).

^{2/} Apparently, Judge Cassidy's denial of petitioner's Motion of April 16, rested in part on his opinion that he lacked jurisdiction to provide the requested relief.

Thereafter, petitioner and his wife had two children, both United States citizens. When petitioner's wife subsequently filed for a divorce in the state court, she also revoked the visa petition; and on January 22, 1974, deportation proceedings were held before Immigration Judge Cassidy in Hartford. With evidence of a possible reconciliation before him, Judge Cassidy issued alternative orders of voluntary departure by April 1, 1974, or deportation.

Evidently to forestall deportation, petitioner, after having failed to leave voluntarily by April 1, 1974, moved to reopen proceedings, stay deportation and reinstate voluntary departure on April 16, 1974. Judge Cassidy rejected these motions on May 9, 1974.^{1/} Petitioner has now appealed that denial to the Board of Immigration Appeals and requested oral argument on two main issues; (1) whether the Immigration Judge had jurisdiction to reinstate voluntary departure on a motion to reopen deportation proceedings^{2/} and (2) whether deportation proceedings are appropriate against a parent of United States citizens. CF. 8U.S.C. § 1251(F); Immigration Service v. Errico, 385 U.S. 214 (1966). He now

^{1/} Incident to these motions, petitioner sought habeas relief in this Court to stay deportation until Judge Cassidy ruled. The Court took the case under advisement and thereafter dismissed the action as moot when Judge Cassidy ruled on petitioner's motion. See In Re Barriera, Civil No.B-74-146 (D.Conn.May 6,1974).

^{2/} Apparently, Judge Cassidy's denial of petitioner's Motion of April 16, rested in part on his opinion that he lacked jurisdiction to provide the requested relief.

asks this Court to stay deportation until the Board of Immigration Appeals has ruled on these issues.^{3/}

The government argues that petitioner has waived his right to an administrative appeal by failing to appeal Judge Cassidy's order of January 22, 1974 within ten days thereof as required by 8 C.F.R. § 242.21^{4/}; that 8 U.S.C.S 1105a(c) bars a federal court from reviewing a deportation order absent full exhaustion of administrative remedies by the petitioner; and that, in any event, a motion to reopen does not stay deportation. See 8 C.F.R. § 103.5.

Under the circumstances of this case, however, the Court is satisfied that the interests of justice warrant a stay of deportation for the following reasons:

1. Contrary to the argument advanced by the respondent, the instant petition does not address itself to the merits of the questions involved in the petitioner's appeal. The Court has not been requested to review the deportation order, but merely to stay that order pending appellate review.

^{3/}

An alien subject to deportation is in "constructive custody of the respondents to the extent that "his movements are currently limited by the existence of the outstanding deportation order." United States ex rel. Blema Maignon v. Smith, Civil No. H-53 (D.Conn.1973) at 3 (memorandum opinion). Thus, habeas relief is appropriate. See 8 U.S.C. S 1105a)(9).

^{4/}

See also 8 C.F.R. s 236.5(a).

2. No evidence has been presented which would indicate that the petitioner is a member of a class of "subversives, gangsters, immoral persons, or narcotic peddlers", who "manage to protract their stay here indefinitely only because their ill-gotten gains permit them to procure the services of astute attorneys who know how to skillfully exploit the judicial process." Foti v. Immigration Service, 375 U.S. 217, 225 (1963).

3. Facially the issues on appeal do not appear to be frivolous. Cf. Immigration Service v. Errico, supra.

Accordingly, it is hereby

ORDERED that the deportation order of January 22, 1974 is hereby stayed pending resolution of petitioner's appeal presently pending before the Board of Immigration Appeals.

Dated at New Haven, Connecticut, this 25th day of June, 1974.

Robert C. Zampano
United States District Judge

ONLY COPY AVAILABLE

NOTICE OF APPEAL TO THE BOARD OF IMMIGRATION APPEALS

SUBMIT IN TRIPLICATE TO:
IMMIGRATION AND NATURALIZATION SERVICE

In the Matter of:

CANDIDO BARREIRA

File No.

A 18 040 882 510

1. I hereby appeal to the Board of Immigration Appeals from the decision, dated May 8, 1974,
in the above entitled case. Granted until May 21 to file Appeal.

2. Briefly, state reasons for this appeal.

1. The Immigration Judge has authority to reinstate Voluntary Departure and Stay Deportation contrary to the Decision of May 8, 1974.
2. 8 U.S.C. A. 1251 (6), 241 (b) of I.N.A. excuses from deportation aliens who are parents of U. S. Citizens.
3. Deportation at this time would deprive alien of 14th Amendment rights to defend against divorce brought by wife.

3. I do (do) (do not) desire oral argument before the Board of Immigration Appeals in
Washington, D. C.

4. I am (am) (am not) filing a separate written brief or statement.

May 20, 1974

Date

Signature of Appellant (or attorney or representative)

JOHN A. ARCUDI,

ATTORNEY FOR BARREIRA

285 Golden Hill Street

Address (Number, Street, City, State, Zip Code)
Bridgeport, Conn. 06604

2

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
HARTFORD, CONNECTICUT 06101

In Deportation Proceedings under Section 242 of the Immigration
and Nationality Act.

UNITED STATES OF AMERICA)	CORAM:
)	
In the Matter of)	IMMIGRATION JUDGE
)	E. CASSIDY
Candido Pereira BARRIERA)	
Respondent)	A 18 040 882

MOTION TO REOPEN PROCEEDINGS
TO REINSTATE VOLUNTARY DEPARTURE,
AND TO STAY DEPORTATION

The above captioned alien, appearing herein through
counsel moves under 8 CFR 103.5, enclosing the Twenty-Five (\$25.00)
Dollar fee provided in 8 CFR 103.7, that the Immigration Judge:

- A. Reopen Proceedings
- B. Reinstate and Extend Voluntary Departure
- C. Stay Deportation

for the reasons stated below:

REASONS FOR REQUESTING
REOPENING AND RECONSIDERATION

1. The wife of the alien born ISABEL MELO, a permanent resident of the United States, A 12 850 412 filed an I-130 for the alien on October 5, 1972 at Hartford, and the visa petition was approved October 11, 1972.
2. The alien and his wife were married May 27, 1972; and they have two children David M. Barreira born February 29, 1972 in Carmichael, California, and Bridget S. Barreira born February 22, 1973 in the State of Connecticut. Both of these children are United States citizens.

3. About a year subsequent to the granting of the petition, difficulties between the parties, arose, and the wife filed a petition for divorce in the Superior Court in Bridgeport, Connecticut, Docket #151466 in late November, 1973 on the grounds of intolerable cruelty and irretrievable breakdown. The wife also withdrew her visa petition.

4. The alien has made a request for reconciliation under the Connecticut law filed with the court January 22, 1974 in the above divorce action. Said request was granted; the parties were directed to a mutually acceptable conciliator; but so far the conciliation process has not been completed.

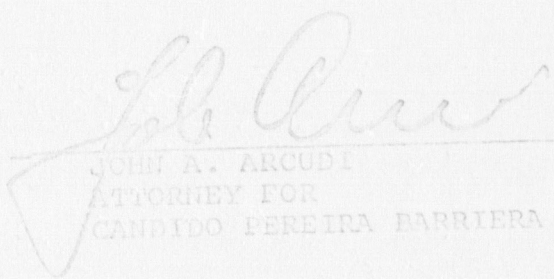
5. Neither the conciliation process nor the divorce action has been completed. The alien is presently opposing the divorce action.

6. On April 12, 1974 the Service served the alien with notice that he was to depart Thursday, April 18, 1974 under the reinvoiced deportation order as he had failed to depart voluntarily by April 1st; thus, the Service invoked the alternate order issued by the Immigration Judge at the January 22nd hearing and revoked the voluntary departure then granted.

7. To force the alien to leave the country now would inhibit him in the exercise of his constitutional rights to appear to defend the pending action.

8. It would also deprive him of the opportunity to make further attempts at conciliation and would deprive his children of their right to his support.

FOR THESE REASONS, petitioner moves that voluntary departure be reinstated and deportation be stayed in accordance with power delineated in Interim Decision #2036, Matter of Yeung, March 24, 1970.


JOHN A. ARCUDI
ATTORNEY FOR
CANDIDO PEREIRA BARRIERA

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File: A-18 040 882 - Hartford, Connecticut

May 7, 1974

In the Matter of)
CANDIDO FERREIRA BARRERA)
Respondent)

IN DEPORTATION PROCEEDINGS

CHARGE:

Section 241(a)(2) of the Immigration and Nationality Act; visitor for pleasure - remained for a longer time than permitted

MOTION:

Reopen proceedings to reinstate and extend voluntary departure, and to stay deportation

IN BEHALF OF RESPONDENT:

John A. Arcudi, Esquire
285 Golden Hill Street
Bridgeport, Connecticut

IN BEHALF OF SERVICE:

Ralph J. Smith
Trial Attorney
Hartford, Connecticut

DECISION OF THE IMMIGRATION JUDGE ON MOTION

On January 22, 1974, the respondent was found to be deportable on the charge that, after admission as a nonimmigrant visitor for a limited time, he remained in the United States for a longer time than permitted. His application for adjustment of status to that of a permanent resident, which had previously been denied administratively, was renewed during the deportation hearing. It was again denied.

On January 22, 1974, after his hearing in deportation proceedings, an order was entered granting the respondent voluntary departure in lieu of deportation, to be effected on or before April 1, 1974, with an alternate order

that if he failed to depart voluntarily, when and as required, he be deported to Portugal.

The respondent has moved to reopen these proceedings to reinstate and extend voluntary departure, and to stay deportation. The Trial Attorney, on behalf of the Service, opposes the motion on the ground that it does not state the new facts to be proved at a reopened hearing and it is not supported by affidavits or other evidentiary material as required by the applicable regulation (8 CFR 103.5).

Title 8 of the Code of Federal Regulations, Chapter 244, provides that an Immigration Judge may in his discretion authorize voluntary departure in lieu of deportation within such time as may be specified by the Immigration Judge when "first authorizing voluntary departure", and under such conditions as the District Director shall direct. (Emphasis Supplied). The Immigration Judge's authority to specify the time for voluntary departure is limited to "when first authorizing voluntary departure". A request for an extension of voluntary departure time is properly directed to the District Director and not to the Immigration Judge.

The motion of the respondent also requests reopening for a stay of deportation. Title 8 of the Code of Federal Regulations, Section 243.4, states "any request by an alien under a final administrative order of deportation for a stay of deportation, . . . shall be filed on Form I-246 with the District Director having jurisdiction over the place where the alien is at the time of filing". The same section of the regulations provide that the District Director has discretion to stay deportation for such time

and under such conditions that he may deem appropriate. The Immigration Judge has no authority under law or regulation to grant a stay of deportation.

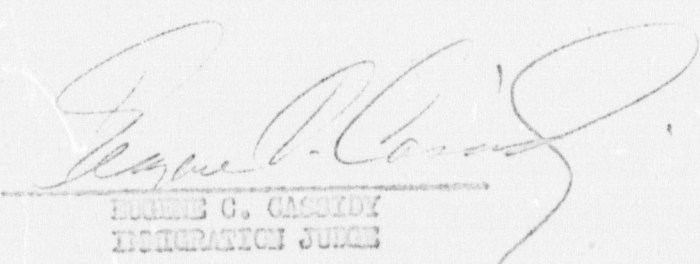
The motion of the respondent states that his wife filed a visa petition in his behalf on October 5, 1972 at Hartford, Connecticut and that visa petition was approved on February 11, 1972. That visa petition was revoked, at the petitioner's request made to the Immigration Service in writing (Exhibit 7 of Hearing of January 22, 1974).

Title 8 of the Code of Federal Regulations, Section 205.1, relates to the automatic revocation of the approval of visa petitions. It states that the approval of a visa petition is revoked as of the date of approval in any of the circumstances stated, if such circumstances arise before a decision on his application for permanent residence is final; (a) "relative petitions": (1) "upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition". The respondent's wife, who was the petitioner, filed a notice in the form of a sworn writing, with the District Director of the Immigration and Naturalization Service, Hartford, Connecticut stating, "I wish to withdraw the visa petition I submitted to the United States Immigration Service for my husband, Candido Pereira Barriera". On the following day, December 6, 1973, a letter was directed to Isabel Maria Barriera by the District Director at Hartford, Connecticut stating in part, "Pursuant to the provisions of Part 205.1(a), Chapter 8, Code of Federal Regulations, and your formal request, the approval of the visa petition has been revoked as of the date of approval".

The motion of the respondent to reopen these proceedings will be denied. The Immigration Judge specifies a date for voluntary departure only when first setting the time for departure. The authority to reinstate or extend voluntary departure is solely in the District Director. Under applicable regulations the Immigration Judge has no authority to stay an order of deportation. That authority is by regulations solely in the District Director. (with an exception not relevant here). The respondent is not the beneficiary of an approved visa petition. The visa petition filed by his wife, and previously approved, was revoked in accordance with applicable regulations by her withdrawal of her visa petition in writing.

On this record the respondent has not shown that he meets the requirements for any further or additional form of relief from deportation which might be considered by the Immigration Judge. No useful purpose would therefore be served by the reopening of these proceedings.

ORDER: It is ordered that the motion of the respondent for reopening of these proceedings be denied.


EUGENE C. CASSIDY
IMMIGRATION JUDGE

UNITED STATES DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

MATTER OF

FILE A- 18 040 882

CANFIDO FERREIRA BARREIRA

IN DEPORTATION

PROCEEDINGS

- Respondent -

TRANSCRIPT OF HEARING

Before: EUGENE C. CASSIDY, Immigration Judge

Date: 1/22/74 Place: Hartford, Connecticut

Transcribed by Catherine R. Earle Recorded by Gray Audiograph

Official Interpreter Maria Almeida

Language Portuguese

APPEARANCES:

For the Service:

Ralph J. Smith
Trial Attorney

Boston, Massachusetts
Station

For the Respondent:

James A. Trowbridge, Esq.

285 Golden Hill Street

Bridgewater, Connecticut

1 HEARING HELD ON JANUARY 22, 1974 -

2 IMMIGRATION JUDGE TO RESPONDENT THROUGH INTERPRETER -

3 Q What is your name?

4 A Candido Pereira Barreira.

5 Q Do you understand this lady when she speaks to you in the Portuguese
6 language?

7 A Yes.

8 IMMIGRATION JUDGE:

9 Let the record show Maria Almeida, an official interpreter in the
10 Portuguese language is present.

11 IMMIGRATION JUDGE TO RESPONDENT:

12 Q This hearing is to determine whether you shall be deported from the
13 United States. At this hearing, you will have an opportunity to state
14 why you should not be deported. Do you understand?

15 A Yes.

16 Q Is this your attorney who is with you?

17 A Yes.

18 IMMIGRATION JUDGE TO COUNSEL:

19 Counsel, will you please identify yourself for the record?

20 COUNSEL:

21 James A. Trowbridge, 285 Golden Hill Street, Bridgeport.

22 IMMIGRATION JUDGE TO TRIAL ATTORNEY:

23 Will you please identify yourself for the record?

24 TRIAL ATTORNEY:

25 Ralph J. Smith, Trial Attorney, Boston.

26 IMMIGRATION JUDGE TO RESPONDENT:

-1-

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

-21-

1 Q Will you please stand up and raise your right hand. You do solemnly
2 swear the testimony you give is the truth, the whole truth, and
3 nothing but the truth so help you God?

4 A Yes.

5 Q Have a seat. Did you receive a copy of this Order to Show Cause and
6 Notice of Hearing issued in the case of Candido Pereira Barreira on
7 December 13, 1973?

8 A Yes.

9 IMMIGRATION JUDGE:

10 The Order to Show Cause is marked EXHIBIT NO. 1.

11 IMMIGRATION JUDGE TO RESPONDENT:

12 Q Has this been read and explained to you in the Portuguese language
13 so that you know what it says?

14 A No.

15 Q We'll go off the record while it's read now.

16 IMMIGRATION JUDGE:

17 Off the record.

18 On the record.

19 IMMIGRATION JUDGE TO RESPONDENT:

20 Q Do you understand this now?

21 A Yes.

22 Q Now, do you understand that it is charged here that you are deportable
23 from the United States because you were admitted as a visitor for a
24 limited time, and you have remained in the United States for longer
25 than the time allowed by the Immigration and Naturalization Service.
26 That is the charge. Do you understand it?

-2-

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service
-22-

1 A Yes.

2 Q The Order to Show Cause states first, you are not a citizen or national
3 of the United States; and second, you are a native of Portugal and a
4 citizen of Portugal. Are those statements true?

5 A Yes.

6 Q Third, you entered the United States at New York, New York on or about
7 July 18, 1968; and fourth, at that time you were admitted as a
8 visitor and were authorized to remain in the United States until
9 October 1, 1968. Are those statements true?

10 A Yes.

11 Q And fifth, you were on December 14, 1970 granted adjustment of status
12 to that of a permanent resident based on a sixth preference visa ap-
13 plication filed on your behalf. Is that true?

14 A Yes, sir.

15 Q And sixth, your adjust of status was rescinded on July 11, 1972, and
16 you were granted to July 26, 1972, in which to depart from the United
17 States. Is that true?

18 IMMIGRATION JUDGE TO MR. TROWBRIDGE:

19 Yes, counsel?

20 MR. TROWBRIDGE:

21 On this we admit that the District Director took these actions but we
22 deny their legal effect - deny that they were valid.

23 IMMIGRATION JUDGE TO RESPONDENT:

24 Q The seventh allegation is that on January 30, 1973, your application
25 for status as permanent resident was denied, and you were granted to
26 February 14, 1973 within which to depart from the United States. Is

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 Is that true?

2 MR. TROWBRIDGE:

3 We admit the District Director took these actions but deny the legal
4 effect.

5 IMMIGRATION JUDGE TO MR. TROWBRIDGE:

6 Then I assume the eighth factual allegation is denied, counsel?

7 MR. TROWBRIDGE:

8 Well, he's here, but certainly without consent of the Service but we
9 will challenge

10 IMMIGRATION JUDGE TO MR. SMITH:

11 All right, Mr. Smith, you may proceed.

12 MR. SMITH:

13 Your honor, I offer into evidence a memorandum, a creation of a
14 record of lawful permanent residence which sustains allegation #5.
15 I now show it to counsel.

16 IMMIGRATION JUDGE:

17 Well, that's admitted but you don't have to submit evidence on that.
18 However, if you wish to, it's repetitive.

19 MR. SMITH:

20 I would prefer just to -

21 IMMIGRATION JUDGE:

22 Go ahead, sir.

23 Decision is marked EXHIBIT NO. 2.

24 Go ahead, Mr. Smith.

25 MR. TROWBRIDGE:

26 Excuse me, was Exhibit 1 the Show Cause Order?

TRANSCRIPT OF HEARING

United States Department of Justice -- Immigration and Naturalization Service

1 IMMIGRATION JUDGE:

2 The Order to Show Cause, yes.

3 I see that my own initials are on here and that this was Exhibit 5
4 in a hearing dated December 14, 1970. There was a prior hearing
5 on this then, Mr. Smith - is that correct?

6 MR. SMITH:

7 Yes, I believe there was, sir.

8 IMMIGRATION JUDGE:

9 All right, go ahead. It is now marked Exhibit 2 in this proceeding.

10 MR. SMITH:

11 In connection with allegation #6, the government would introduce
12 into the record a copy of a notice to rescind the decision and a
13 letter indicating that he was to depart by July 26, '72.

14 IMMIGRATION JUDGE:

15 Show it to counsel. We'll go off the record while they're revised.
16 Off the record.

17 On the record.

18 Copies of three letters all directed to the respondent from the
19 District Director of the Immigration Service at Hartford, the first
20 dated June 7, 1972, the second dated July 11, 1972, and the third
21 dated July 14, 1972, which is actually directed to Attorney John
22 Arcudi as attorney for the respondent, rather than to the respondent
23 personally. These three letters are together marked EXHIBIT NO. 3.
24 They are copies - unsigned copies.

25 Go ahead, Mr. Smith.

26 MR. SMITH:

-5-

TRANSCRIPT OF HEARING

United States Department of Justice -- Immigration and Naturalization Service

-25-

1 Your honor, inasmuch as counsel for the respondent has indicated that
2 he admits that the allegations 7 and 8 in addition to the others, the
3 government has no further questions -

4 IMMIGRATION JUDGE:

5 He admits the fact of allegation #7 that the District Director
6 in fact deny the application, but he denies that it's a legally
7 effective denial. Now with an application for adjustment of status,
8 was it an application to adjust under 245?

9 MR. SMITH:

10 Yes, it was, sir.

11 IMMIGRATION JUDGE:

12 All right. Well, you have a record that it was denied by the
13 Director?

14 MR. SMITH:

15 I will proceed as before, sir.

16 IMMIGRATION JUDGE:

17 Yes, go ahead.

18 MR. SMITH:

19 Your honor, I offer into evidence a copy of the denial of a application
20 for a djustment of status, also indicating that the respondent was
21 granted to February 14, 1973 to depart the United States. I show it
22 to counsel.

23 IMMIGRATION JUDGE:

24 Received and marked EXHIBIT NO. 4.

25 All right. Now, is there anything else?

26 MR. SMITH:

-6-

TRANSCRIPT OF HEARING

United States Department of Justice -- Immigration and Naturalization Service

-26-

1 Nothing else, sir, at the time.

2 IMMIGRATION JUDGE TO MR. TROWBRIDGE:

3 All right. On deportability, Mr. Trowbridge, do you have anything
4 on deportability?

5 MR. TROWBRIDGE:

6 Yes, our first argument is nowhere in the course of these proceedings
7 has the government revealed or placed on the record as evidence to
8 support the allegations that Mr. Barreira submitted false documents.

9 IMMIGRATION JUDGE:

10 Which allegation is that? I'm concerned only with this Order to Show
11 Cause.

12 MR. TROWBRIDGE:

13 Well, it is our suggestion that this underlies the action and District
14 Director cites it to sustain his action of January 30, 1973 where
15 he is -

16 IMMIGRATION JUDGE:

17 Now, please, counsel, whatever he did he did within his jurisdiction.
18 It's done. Now on the issue - just as ^{CONTAINED} explained on the Order to
19 Show Cause, do you have anything there? I might inform you that
20 the District Director's denial as is indicated in this communication
21 of January 30th is subject to a request for a renewal before me;
22 but before I can *CONSIDER* it, I have to determine this matter of
23 whether the respondent is here without authority right now.

24 MR. TROWBRIDGE:

25 But again, the case can be made, and perhaps the Director has made
26 it that that is the case -

-7-

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

-27-

1 IMMIGRATION JUDGE:

2 All right, then you wish to renew the application to adjust status.

3 Is that correct?

4 MR. TROWBRIDGE:

5 Yes.

6 IMMIGRATION JUDGE:

7 All right. Mr. Smith, do you have the application?

8 MR. SMITH:

9 Yes, I do, sir, and also the visa petition accompanying it.

10 IMMIGRATION JUDGE TO RESPONDENT:

11 Q Now, this application was originally filled out and originally
12 submitted to the Immigration Service on October 5, 1972, which is
13 more than fifteen months ago. Will you please look it over with
14 your attorney and bring it up to date - make any changes in it as
15 I'm going to have you resubscribe at this time as a renewed
16 application. So will you be sure that the... statements are true as of
17 today or bring it up to date.

18 IMMIGRATION JUDGE:

19 Off the record.

20 On the record.

21 IMMIGRATION JUDGE TO RESPONDENT:

22 Q If all of the statements are true and correct to the best of your
23 knowledge and belief at this time, please sign this again by the
24 cross.

25 IMMIGRATION JUDGE:

26 The application resubscribed to is marked EXHIBIT NO. 5.

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 The visa petition filed by the respondent's resident alien wife,
2 endorsed to show approval granting second preference, is marked
3 EXHIBIT NO. 6.

4 IMMIGRATION JUDGE TO RESPONDENT:

5 Q Has your wife ever become a United States citizen?

6 A No, not a citizen - just a permanent resident.

7 IMMIGRATION JUDGE TO MR. TROWBRIDGE:

8 Anything additional in support of this application, Mr. Trowbridge?

9 MR. TROWBRIDGE:

10 Yes, I think it's in the record that following the submission that
11 first time that the wife communicated with the District Director.

12 IMMIGRATION JUDGE:

13 Well, it isn't in the record, and I don't know anything about it.

14 Maybe you ought to wait. If it's something adverse - until we see
15 whether the government is going to urge it at this time.

16 Mr. Smith?

17 MR. SMITH:

18 I'm not sure exactly what he's talking about at this point, your
19 honor.

20 IMMIGRATION JUDGE:

21 Well, his wife's visa petition in his behalf is currently valid as I
22 see it right here in the record now?

23 MR. SMITH:

24 Yes. this thing. I believe his wife has withdrawn
25 her petition. Is that what you're referring to, counsel?

26 IMMIGRATION JUDGE:

-9-

TRANSCRIPT OF HEARING

United States Department of Justice -- Immigration and Naturalization Service

1 There's nothing here to indicate that it's withdrawn. What the
2 record shows is that it's approved and it's outstanding.

3 MR. SMITH:

4 Yes, I realize that. The notation was not made on the visa petition,
5 but at this time I do offer into evidence a withdrawal letter from
6 the respondent's spouse and show it to counsel. And also a copy
7 from the District Director to the respondent's spouse indicating the
8 revocation. I show it to counsel.

9 IMMIGRATION JUDGE:

10 The statement of the respondent's wife is marked EXHIBIT NO. 7,
11 and the copy of the letter from the District Director to respondent's
12 wife is marked EXHIBIT NO. 8.

13 Is there anything additional, Mr. Smith?

14 MR. SMITH:

15 Nothing additional at this time, sir.

16 IMMIGRATION JUDGE:

17 All right, Mr. Trowbridge?

18 MR. TROWBRIDGE:

19 Yes. We feel that though undeniably she has submitted that document
20 that expresses her attitude as of that date, that under Connecticut
21 law in a divorce action, there is now mandatory reconciliation and
22 marriage counseling.

23 IMMIGRATION JUDGE:

24 Counsel, what the Connecticut law says regarding domestic relations has
25 nothing to do with the issue here. Even during the status of a com-
26 plete, whole, viable marriage, if the spouse withdraws a petition

-10-

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

-30-

1 that is conclusive for the purpose of the Immigration statutes. If
2 she doesn't care to petition, there's no way this man could get, or
3 any other alien could get, a preference status. If a petition is
4 withdrawn, that ^{TERMINATES IT.} ~~is permanent~~ The federal law and the federal
5 regulations control.

6 IMMIGRATION JUDGE:

7 Off the record.

8 On the record.

9 MR. TROWBRIDGE:

10 I understand and I've heard about that case, but nonetheless this
11 particular point probably hasn't been made before since the new
12 divorce law went into effect on October 1, and I'm certainly not
13 suggesting it's controlling, by no means. But whenever possible,
14 I think the interests of the federal government should mesh with
15 the interests of the state because this is the policy of
16 and it is certainly not mandatory on the Service. But we suggest
17 that where a State has provided for a mandatory conciliation, period,
18 under the supervision of a court and the parties are subject and
19 involved in that conciliation situation as they are here
20 with due regard for the .. policy of the state -

21 IMMIGRATION JUDGE:

22 What did you say that period is, counsel? Is it a set period of
23 time or -

24 MR. TROWBRIDGE:

25 It is a set period of sessions with a marriage counselor appointed
26 by the state appointed by a clerk of the Superior Court, but it has

-11-

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

-31-

1 not been completed yet. It's under the supervision of the court.
2 We suggest that, acting out of deference in a case such as this,
3 *the man has been here quite a while,* there is a child who is in need of
4 support from him, and a wife who is in need of support from him, waiting
5 until the results of this conciliation process .. is made known to
6 the court and to the Service would serve certainly the interest of
7 the state and hopefully the interest of the national government
8 seeing it's heavily involved in the welfare programs and supporting
9 families -

10 IMMIGRATION JUDGE:

11 How much time are you speaking of?

12 MR. TROWBRIDGE:

13 I would be speaking of I would say two months.

14 IMMIGRATION JUDGE TO RESPONDENT:

15 Off the record.

16 On the record.

17 MR. TROWBRIDGE:

18 *I* have ~~invoked~~ invoked this process officially and
19 a formal request has been filed with a clerk of the Superior Court,
20 and there is court supervision in the process. A report is made back
21 to the clerk. This is part of the new *CONNECTICUT* law.

22 IMMIGRATION JUDGE TO RESPONDENT:

23 Q *D* You now have a valid labor certification from the Department of
24 Labor..... for working in the United States?

25 A You talking about union - labor union?

26 INTERPRETER:

-12-

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

-32-

1 No, he doesn't understand.

2 IMMIGRATION JUDGE:

3 All right. Well, I've explained as much as I can, "like the one you
4 had before", Attorney notes. The letter entered in evidence here as
5 Exhibit No. 3 discusses the fact that you had one.

6 IMMIGRATION JUDGE TO RESPONDENT:

7 Q Are you still working as a cement worker?

8 A I'm a pipe layer.

9 Q Now, the only form of relief from deportation that's available to
10 you right now is that of voluntary departure without expense to the
11 government in lieu of deportation. I intend to grant you two months,
12 or a little more, that counsel stated you will be under some counseling,
13 to depart voluntarily subject to extension by the District Director
14 at his discretion if he sees fit. If there should be any reconcili-
15 ation in your marriage and your wife reinstates the visa within that
16 time, of course, then we will be in a position to reopen and ^{request} ~~there~~
17 reconsider. However, if there is no reconciliation, and if you're
18 told you must depart from the United States, are you willing to do
19 so at your own expense within the time allowed?

20 A Yes.

21 IMMIGRATION JUDGE TO MR. SMITH:

22 Q Do you wish to be heard on that, Mr. Smith?

23 A No.

24 Q No objection?

25 A No object to two months voluntary departure.

26 IMMIGRATION JUDGE TO MR. TROWBRIDGE:

-13-

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

-33-

1 Q All right, Mr. Trowbridge, is there anything else?

2 A No, there isn't.

3 IMMIGRATION JUDGE TO RESPONDENT:

4 Q If it's ordered that you be deported, to what country do you wish
5 to go?

6 A Portugal.

7 Q Is there anything else you wish to say now before I make a decision?

8 A Just, if you will let ^{me} ~~him~~, ^I ~~he~~ would like to stay in the United
9 States. ^{One} ~~He's~~ been here six years.

10 IMMIGRATION JUDGE:

11 I deem it appropriate to orally state a decision which will be
12 transcribed separately and made a part hereof.

13 (At this point in the proceedings, the Immigration Judge orally
14 stated his decision which consists of a discussion of the evidence,
15 findings of fact, a conclusion of law, and an order, which are
16 transcribed separately and made a part hereof.)

17 IMMIGRATION JUDGE TO RESPONDENT:

18 Q Do you understand this decision?

19 A Yes.

20 IMMIGRATION JUDGE TO MR. TROWBRIDGE:

21 Do you wish to take an appeal from this decision?

22 MR. TROWBRIDGE:

23 Well, I'm not inclined to at the moment, but I would reserve the
24 right.

25 IMMIGRATION JUDGE:

26 You wish to have time?

-14-

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

-34-

1 MR. TROWBRIDGE:

2 Yes.

3 IMMIGRATION JUDGE:

4 All right. Mr. Smith?

5 MR. SMITH:

6 The government reserves the right to appeal, sir.

7 IMMIGRATION JUDGE:

8 If an appeal form is to be taken by either of you, it must be filed
9 with the District Director in this office on or before February 1,
10 1974, ten days from today.

11 Mr. Trowbridge, I'll give you the necessary forms, I-290A in four
12 copies. If it is filed, it must be filed in three copies. The fee
13 is \$25.00 which must be submitted with the appeal. If an appeal is
14 filed by either of you, the other one will receive a copy for its
15 information, and the entire record will go to the Board of Immi-
16 gration Appeals in Washington which will enter the final decision.
17 If no appeal is filed by either of you on or before February 1st,
18 the decision entered today is final.

19 The hearing is closed.

20

21 I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND
22 BELIEF THE FOLLOWING PAGES NUMBERED 1 TO 15 ARE A COMPLETE
23 AND ACCURATE TRANSCRIPT OF THE ABOVE DESCRIBED PROCEEDING.
24 (Some phrases were inaudible.)

25

Catherine R. [Signature]
Transcriber 6/2/74

26

-15-

TRANSCRIPT OF HEARING

United States Department of Justice -- Immigration and Naturalization Service

-35-

MEMORANDUM OF CREATION OF RECORD OF LAWFUL PERMANENT RESIDENCE

Place HARTFORD, CONN.
File No. A18 CHO 852

Status as a lawful permanent resident of the United States is accorded:

NAME <u>CANDIDO PEREIRA BARREIRA</u>		Sex <u>M</u>
ADDRESS <u>26 JAMES AVE. BRIDGEPORT, CONN.</u>		
NATIONALITY <u>PORTUGAL</u>	DATE OF BIRTH <u>JULY 15, 1939</u>	PLACE OF BIRTH <u>CHAVES, PORTUGAL</u>
COUNTRY TO WHICH CHARGEABLE (If any) <u>PORTUGAL</u>	PREFERENCE: (If any) <u>SIXTH</u>	PRIORITY DATE <u>JAN. 31, 1970</u>
REMARKS		

NONPREFERENCE: ☒ Individual section 212(a)(14) certification issued; ☐ Blanket section 212(a)(14) certification issued;
☐ Section 212(a)(14) certification not required because _____

As of DEC 2 (Month) 1970 (Year) at HARTFORD, CONN. (Place)
Class of admission (insert coding symbol) 2-2 (P6-1)

the requirements of the following provision of law having been fulfilled.

- | | |
|--|--|
| <input type="checkbox"/> Sec 203(h) of the I & N Act | <input type="checkbox"/> Sec. 2 of the Act of 11/2/66 |
| <input type="checkbox"/> Sec 244 () () of the I & N Act | <input type="checkbox"/> Sec 13 of the Act of 9/11/57 |
| <input checked="" type="checkbox"/> Sec 245 of the I & N Act | <input type="checkbox"/> Private Law no. _____ of the _____ Congress _____ session |
| <input type="checkbox"/> Sec 249 of the I & N Act | <input type="checkbox"/> _____ (Other law - Specify) |
| <input type="checkbox"/> Sec. 1 of the Act of 11/2/66 | |

(Applicable in all cases)
Date JUNE 9, 1970 Recommended by Robert J. [Signature] Immigration Officer
Date DEC 2 1970 Approved _____ District Director

FOR USE BY VISA CONTROL OFFICE

Date NOV 24 1970
Foreign State Portugal
Preference Category Sixth
Number 73314
Month of Issuance DECEMBER
Signed [Signature] (Visa Office, Dept. of State)



Date Form I-357 delivered _____
CC: ☒ Visa Control Office, Visa Office, Department of State, Washington, D.C. 20520 for allocation of Immigrant visa number.
☐ State Director, Selective Service

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
367 Post Office Building
Hartford, Connecticut 06101
July 14, 1972

PLEASE REFER TO THIS FILE NUMBER
A18 040 882

Mr. John Arcudi
Attorney at Law
285 Golden Hill Street
Bridgeport, Connecticut

Dear Mr. Arcudi:

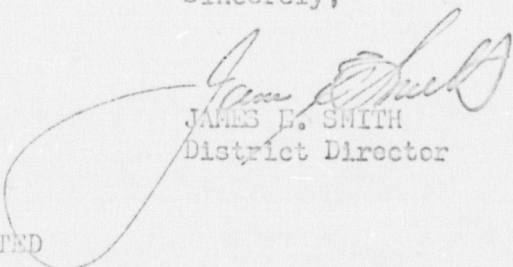
We acknowledge receipt of your letter dated July 11, 1972, requesting a hearing before a special inquiry officer in rescission of adjustment of status involving Candido Barreira.

Your letter states that Mr. Barreira did not receive our notice dated June 7, 1972, a copy of which was sent to you also. Our notification is considered to have been properly served upon sending the original notice to the person's last known address, or delivery to the attorney of record via certified mail.

In view of the above, the final decision of July 11, 1972 is sustained, and you are not entitled to a hearing before a special inquiry officer in rescission of adjustment proceedings.

If Mr. Barreira fails to depart voluntarily within the period granted (until July 26, 1972), an order to show cause will be issued, and you may then have the opportunity to bring Mr. Barreira before a special inquiry officer in deportation proceedings.

Sincerely,


JAMES E. SMITH
District Director

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

UNITED STATES DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

367 Post Office Building
Hartford, Connecticut 06101

June 7, 1972

PLEASE REFER TO THIS FILE NUMBER
A18 040 88

Candido Pereira Barreira
96 Jones Street
Bridgeport, Connecticut

Dear Mr. Barreira:

This letter concerns your status as a lawful permanent resident of the United States, and a proposed revocation of such status by this office.

On January 21, 1970, Phoenix H. W. Company, 480 Surf Avenue, Stratford, Connecticut submitted a Petition To Classify Preference Status Of Alien On Basis Of Profession Or Occupation on your behalf, seeking to classify you as sixth preference immigrant based upon their intent or desire to employ you as a welder or maintenance mechanic, and your occupation as the same. Documents submitted in support of the visa petition indicate that you were engaged in employment as a maintenance mechanic and welder in Portugal from 1962 until 1968; that you were qualified to maintain machine shop equipment, weld, and use hand and power tools in your calling as a maintenance mechanic.

Based on the information furnished, you were granted a Blanket Department of Labor Certification pursuant to Schedule C, and the visa petition was approved by this office on January 28, 1970, conferring sixth preference status upon you, and rendering you eligible to file Application For Adjustment of Status As A Permanent Resident.

On December 14, 1970 in a reopened deportation hearing, you testified under oath before a Special Inquiry Officer that you intended to seek gainful employment in the United States as a maintenance mechanic and that the contents on the application, as well as the attached documents were true and to the best of your knowledge. Again, based on your testimony and the facts before the Service, your assertions were accepted as factual, and status as a lawful permanent resident of the United States was accorded you at Hartford, Connecticut on December 14, 1970.

ONLY COPY AVAILABLE

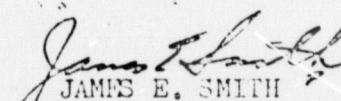
(2)

Subsequently, this Service conducted intensive inquiry into your sworn statements, the history of your employment, and your activities since the adjustment of status was ordered. It has been established that you were never employed as a maintenance mechanic or welder as set forth on form ES-575A supporting your visa petition; that in fact you were a farmer in Portugal; that you never contacted or even attempted to contact the petitioner, Phoenix H. W. Company, to further your stated desire or intent to seek gainful employment as a maintenance mechanic, and that your usual occupation since adjustment of status has been construction work, pouring cement and laying pipe.

In view of the above, it appears that you were not in fact eligible for the adjustment of status made in this case and we propose and intend to rescind your adjustment of status. You may, within 30 days from the receipt of this letter, submit an answer in writing under oath setting forth reasons why such rescission should not be made, and you may, within such period request a hearing before a Special Inquiry Officer in support or in lieu of your written answer. You are also advised that you are entitled to assistance or representation by counsel, without expense to the government.

In the event that no answer is filed within the 30 day period or if no hearing is requested within such period your adjustment of status previously granted will be rescinded and no appeal shall lie from this decision.

Sincerely,


JAMES E. SMITH
District Director

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
367 Post Office Building
Hartford, Connecticut

Mr. Candido Pereira Barreira
185 Derby Avenue
Seymour, Connecticut

Refer To This File No.

ALB 040 882

Date: **January 30, 1973**

DECISION ON APPLICATION FOR STATUS AS PERMANENT RESIDENT

Upon consideration, it is ordered that your application for status as a permanent resident be denied for the following reasons:

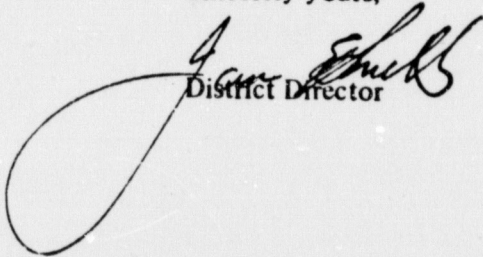
Since your admission to this country as a nonimmigrant in 1968, you have demonstrated an unwillingness to comply with the laws of the United States and have exhibited by your actions a continuous and sustained disregard for the orderly process of law by the submission of fraudulent documents and testimony. Your application is denied therefore as a matter of discretion.

You are granted to **February 14, 1973** to effect your departure from the United States voluntarily, without the institution of proceedings to enforce your departure. You must notify this office before that date on the enclosed card (Form I-438) of the arrangements you have made to depart from the United States. *At the time of your departure from the United States, do not fail to surrender Form I-94, Arrival-Departure Record, in accordance with the instructions on that form.*

If you fail to depart from the United States by the date specified, proceedings will be instituted to enforce your departure. You may renew your application for status as a permanent resident during such proceedings.

CC: John A. Arcudi, Atty.

Sincerely yours,


District Director

Enclosure(s)

- ☒ I-438
☐ I-94
☐ Passport
☐

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

APPLICATION FOR STATUS AS PERMANENT RESIDENT

<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"><div style="display: flex; justify-content: space-between;"><div>FILE STAMP</div><div>FEE PAID NO. 6 70 12</div></div><div style="text-align: center; margin-top: 10px;">Immigration and Naturalization Service HARTFORD, CONN.</div><div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>Date</div><div>Verified By <u>RA</u></div></div></div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">File No. APPLICATION FOR THE BENEFITS OF SECTION: <input type="checkbox"/> 203(a)(7) and Sec. 245, I&N Act <input type="checkbox"/> 245 <input type="checkbox"/> Sec. 214(d), I&N Act <input type="checkbox"/> 249 I&N Act <input type="checkbox"/> Sec. 13, Act of 9/11/57</div>
--	---

DO NOT WRITE ABOVE THIS LINE. (SEE INSTRUCTIONS BEFORE FILLING IN APPLICATION. IF YOU NEED MORE SPACE TO ANSWER FULLY ANY QUESTION ON THIS FORM, USE A SEPARATE SHEET AND IDENTIFY EACH ANSWER WITH THE NUMBER OF THE CORRESPONDING QUESTION. FILL IN WITH TYPEWRITER OR PRINT IN BLOCK LETTERS IN INK.)

1. I hereby apply for the status of a lawful permanent resident alien on the following basis: (Check box A, B, C, D, E or F)
An immigrant visa is immediately available to me:
A. ☐ As a refugee (Section 203(a)(7) and Section 245, I&N Act).
B. ☐ As a former fiancée or fiancé of a U.S. citizen whom I married within 90 days after my arrival in the United States, or as a child of such fiancée or fiancé (Section 214(d), I&N Act).
C. ☐ As a former government official, or as a member of the immediate family of such official (Section 13, Act of September 11, 1957).
D. ☒ As a person to whom an immigrant visa is immediately available, other than one described above, (Section 245, I&N Act).
E. ☐ As a person who has resided in the United States continuously since prior to July 1, 1924 (Section 249, I&N Act).
F. ☐ As a person who has resided in the United States continuously since a date on or after July 1, 1924, but before June 30, 1948 (Section 249, I&N Act).

2. My name is (Last in capital letters) <u>BARREIRA</u>	(First Name) <u>Candido</u>	(Middle Name) <u>Pereira</u>	My alien registration number is <u>A 18 040 882</u>	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
3. I reside in the United States at: (Apt. No.) (No. and Street) (City) (State) (ZIP Code) <u>185 N. 1st Ave 417 So. Main Street Seymour Connecticut</u>				
4. Date of Birth <u>7/15/39</u>	Place of Birth (City or Town) (County, Province, or State) (Country) <u>Macos Chaves Portugal</u>		I am now a citizen of (Country) <u>Portugal</u>	
5. I last arrived in the United States at the port of (City and State) <u>New York</u>			on (Month) (Day) (Year) <u>July 18, 1968</u>	
6. (Name of vessel or other means of travel) <u>KLM</u>			as a (visitor, student, exchange visitor, temporary worker, fiancée, fiancé, crew member, parolee, etc.) <u>Visitor B-2</u>	
7. I <input checked="" type="checkbox"/> was inspected. My nonimmigrant visa was issued by the United States Consul at (City) (State) on (Month) (Day) (Year) <u>Nonimmigrant visa: Oporto, Portugal May, 1968</u>				
8. I am <input type="checkbox"/> single <input checked="" type="checkbox"/> married <input type="checkbox"/> divorced <input type="checkbox"/> widowed				
a. I have been married <u>2</u> times, including my present marriage, if now married. (If you are now married give the following):				
b. Number of times my spouse has been married <u>Once</u>		c. Name of spouse <u>Isabel Maria Barreira</u>		
9. My spouse resides <input checked="" type="checkbox"/> with me <input checked="" type="checkbox"/> apart from me at Address (Apt. No.) (No. & Street) (Town or City) (Province or State) (Country) <u>417 So. Main Street Seymour Connecticut</u>				
10. a. I have <u>1</u> children, as follows: (complete all columns as to each child. If child lives with you, state "with me" in last column; otherwise give city and state or country of child's residence.)				
Name	Sex	Place of Birth	Date of Birth	Now Living at
David Melo Barreira	M	Carmichael, California, U.S.A.	2/29/72	417 So. Main Street Seymour, Conn.
				30 Colman Street Onlyport Conn
b. The following members of my family are also applying for permanent resident status: <u>None</u>				
11. <input checked="" type="checkbox"/> I have <input type="checkbox"/> have not heretofore filed an application for the status of a permanent resident. (If you have ever filed such application, give the date and place of filing and final disposition.) <u>Granted Hartford, 12/14/70; Rescinded 6/7/72</u>				

9. List below all organizations, societies, clubs, and associations, past or present, in which I have held membership in the United States or a foreign country, and the periods and places of such membership. (If you have never been a member of any organization, state "None.")

NONE

W CP

10. APPLICANTS FOR STATUS AS PERMANENT RESIDENTS MUST ESTABLISH THAT THEY ARE ADMISSIBLE TO THE UNITED STATES. EXCEPT AS OTHERWISE PROVIDED BY LAW, ALIENS WITHIN ANY OF THE FOLLOWING CLASSES ARE NOT ADMISSIBLE TO THE UNITED STATES AND ARE THEREFORE INELIGIBLE FOR STATUS AS PERMANENT RESIDENTS:

Aliens who have committed or who have been convicted of a crime involving moral turpitude (does not include minor traffic violations); aliens who have been engaged in or who intend to engage in any commercialized sexual activity; aliens who are or at any time have been, anarchists, or members of or affiliated with any Communist or other totalitarian party, including any subdivision or affiliate thereof; aliens who have advocated or taught, either by personal utterance, or by means of any written or printed matter, or through affiliation with an organization, (i) opposition to organized government, (ii) the overthrow of government by force and violence, (iii) the assaulting or killing of government officials because of their official character, (iv) the unlawful destruction of property, (v) sabotage, or (vi) the doctrines of world communism, or the establishment of a totalitarian dictatorship in the United States; aliens who intend to engage in prejudicial activities or unlawful activities of a subversive nature; aliens who have been convicted of violation of any law or regulation relating to narcotic drugs or marihuana, or who have been illicit traffickers in narcotic drugs or marihuana; aliens who have been involved in assisting any other aliens to enter the United States in violation of law; aliens who have applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground of alienage and who have been relieved or discharged from such training or service.

Do any of the foregoing classes apply to you? ☐ Yes ☒ No (If answer is Yes, explain)

no answer

11. (COMPLETE THIS BLOCK ONLY IF YOU CHECKED BOX "A", "B", "C" or "D" OF BLOCK 1)

APPLICANTS WHO CHECKED BOX "A" "B" "C" OR "D" OF BLOCK 1 (INCLUDING REFUGEES) IN ADDITION TO ESTABLISHING THAT THEY ARE NOT MEMBERS OF ANY OF THE INADMISSIBLE CLASSES DESCRIBED IN BLOCK 10 ABOVE MUST, EXCEPT AS OTHERWISE PROVIDED BY LAW, ALSO ESTABLISH THAT THEY ARE NOT WITHIN ANY OF THE FOLLOWING INADMISSIBLE CLASSES:

Aliens who are mentally retarded, insane, or have suffered one or more attacks of insanity; aliens afflicted with psychopathic personality, sexual deviation, mental defect, narcotic drug addiction, chronic alcoholism or any dangerous contagious disease; aliens who have a physical defect, disease or disability affecting their ability to earn a living; aliens who are paupers, professional beggars or vagrants; aliens who are polygamists or advocate polygamy; aliens who intend to perform skilled or unskilled labor and who have not been certified by the Secretary of Labor (see Instruction 10); aliens likely to become a public charge; aliens who have been excluded from the United States within the past year, or who at any time have been deported from the United States, or who at any time have been removed from the United States at Government expense; aliens who have procured or have attempted to procure a visa by fraud or misrepresentation; aliens who have departed from or remained outside the United States to avoid military service in time of war or national emergency; aliens who are former exchange visitors who are subject to but have not complied with the two year foreign residence requirement.

Do any of the foregoing classes apply to you? ☐ Yes ☒ No (If answer is Yes, explain)

12.

I ☒ do, ☐ do not intend to seek gainful employment in the United States. If you intend to seek gainful employment in the United States, state the occupation you intend to follow. _____

13. (Complete this block only if you checked box A or D of block 1)

- ☐ a. I have a priority on the consular waiting list at the American Consulate at _____ as of _____ (City) (Date)
- ☐ b. A visa petition according me ☐ immediate relative ☐ preference status was approved by the district director at _____ on _____ (City and State) (Date)
- ☐ c. A visa petition has not been approved in my behalf but I claim eligibility for preference status because ☐ my spouse ☐ my parent is the beneficiary of a visa petition approved by the district director at _____ on _____ (City and State) (Date)
- ☐ d. I am claiming preference status as a refugee under the proviso to Section 203(a)(7) of the Act who has been continuously physically present in the United States for at least the past two years. (If you check this item, you must execute and attach Form I-590A to this application.)
- ☒ e. Other (explain) My Permanent Resident Spouse filed an I-130 for me at Hartford

14. (Complete this block only if you checked Box E or F of Block 1)

A. I first arrived in the United States at (Port) N.A. on (Date) _____ by means of (Name of vessel or other means of travel) _____

I ☐ was ☐ was not inspected by an immigration officer.

B. I entered the United States under the name (Name at time of entry) _____ and I was destined to (City and State) _____

I was coming to join (Name and relationship) _____

C. Since my first entry I ☐ have ☐ have not been absent from the United States. (If you have been absent, attach a separate statement listing the port, date and means of each departure from and return to the United States.)

15. ☒ Completed Form G-325A (Biographic Information) is attached as part of this application. ☐ Completed Form G-325A (Biographic Information) is not attached as applicant is under 14 years of age.

16. IF YOUR NATIVE ALPHABET IS IN OTHER THAN ROMAN LETTERS, WRITE YOUR NAME IN YOUR NATIVE ALPHABET BELOW: _____

Signature of Applicant: _____

Date of Signature: October 3, 1972

17. (Signature of person preparing form, if other than applicant.) I declare that this document was prepared by me at the request of the applicant and is based on all information on which I have any knowledge.

Address of person preparing form, if other than applicant: _____

Date: _____ Occupation: _____

(Application not to be signed below until applicant appears before an officer of the Immigration and Naturalization Service for examination.)

I, Candido T. Bassora, do swear (affirm) that I know the contents of this application subscribed by me including the attached documents, that the same are true to the best of my knowledge, and that corrections numbered () to () were made by me or at my request, and that this application was signed by me with my full, true name:

Candido T. Bassora (Complete and true signature of applicant)

Subscribed and sworn to before me by the above-named applicant at HARTFORD, CONN on JAN 15 (Month) (Day) (Year)

J. J. O'Leary (Signature and title of officer)

INSTRUCTIONS

Read instructions carefully. Fee will not be refunded.

1. APPLICATION. - A separate application must be executed by each applicant. An application in behalf of a child under 14 years of age shall be executed by the parent or guardian. Form G-325A (Biographic Information) must be completed and submitted with each application if the applicant is 14 years of age or older. Failure to do so delays action and may result in return of the application.

2. FEE. - A fee of \$25 must accompany each application. Read instructions carefully. Fee will not be refunded. All remittances should be made payable to "Immigration and Naturalization Service, Department of Justice," except in Guam they should be made payable to "Treasury of Guam" and in the Virgin Islands to "Commissioner of Finance, Virgin Islands." If you mail this application, attach money, order or check. DO NOT SEND CASH.

3. PHOTOGRAPHS. - You must submit with this application two photographs of yourself taken within 30 days of the date of this application. These photographs must be 1 1/2 by 1 1/2 inches in size, and the distance from the top of head to point of chin should be approximately 1 1/4 inches. They must not be pasted on cards or mounted in any way, must be on this paper, have a light background, and clearly show a front view of your face without hat. Snapshots, group, full-length portraits or vending machine photographs will not be accepted. Use crayon or soft pencil to avoid possible mutilation of the photographs; write your name lightly on the reverse of the photographs.

4. FINGERPRINTS. - A completed fingerprint chart must be submitted by each applicant who is 14 years of age or older. Fingerprint charts with instructions for recording your fingerprints are available at any office of the Immigration and Naturalization Service. It is important to furnish all information called for on the card.

5. DOCUMENTS

a. General. - All documents must be submitted in the original. If you desire to have the original of any of the other documents returned, and if copies are by law permitted to be made, you may submit photographs or typewritten copies. If you submit copies, the original documents must be presented at the time of your examination. Each foreign document must be accompanied by a translation certified by the translator as to the accuracy of the translation and as to his competency to translate. If you are unable to secure documentary evidence from abroad, you must submit proof of the efforts you have made to secure such documents.

b. Submit the following documents only if you checked box "A" or "D" in Block 1 of the application.

(1) Record of your birth.

(2) A letter from your present employer showing employment of a permanent nature, if you are employed, or an affidavit of support Form I-134 from a responsible person in the United States, or other evidence to establish that you are not likely to become a public charge.

(3) If you are the spouse or unmarried minor child of a person who has been granted preference classification by the Immigration and Naturalization Service or has applied for preference classification, and you are claiming the same preference classification, or if you are claiming special immigrant classification as the spouse or unmarried child of a minister of religion who has been accorded or is seeking classification as a special immigrant, submit the following: For the spouse: Marriage certificate and proof of termination of all prior marriages of each spouse. For the child: Marriage certificate of parents, together with proof of termination of their prior marriages, if such documents have not been submitted by a parent.

(4) If you are a nonimmigrant foreign government official, a member of the family or servant of such person, or a treaty trader, the spouse or child of such person, or a foreign government representative to an international organization, a member of a family or servant of such person, you must submit Form I-508, waiving all rights, privileges, exemptions, and immunities which would otherwise accrue to you by virtue of such status.

(5) If you checked box "A" in block 1 of the application, you must execute and attach a single copy of Form I-590A.

c. If you checked box "B" in block 1 of the application, submit your marriage certificate if you are the spouse; if you are the child, submit your birth certificate and the marriage certificate for your parent's present marriage.

d. If you checked box "E" in block 1 of the application, submit documentary evidence to prove you have resided in the United States continuously since prior to July 1, 1924. If you have checked box "F", submit documentary evidence to prove you have resided in the United States continuously since prior to June 30, 1948.

(1) Examples of documents which may be submitted to prove residence are: bankbooks, leases, deeds, licenses, birth records or baptismal records of children born in the United States, census records, affidavits, police records, contracts, postmarked mail addressed to you, rent or tax receipts, premium installment receipt books or any other type of receipt, school records on the school's stationery showing dates when you entered and left the school and, if available, showing the name of parent or guardian and where you resided; employment records on letterhead paper or notarized, showing the type of title and indicating exact dates of employment and stating if the employment was continuous; insurance records or letters on insurance company stationery showing the name and address of the insured and the date showing the lapse of the policy; church, union or lodge records on official stationery and bearing the organizational seal, if any, and giving specific dates in their records showing your membership in the organization; letter from business firms on letterhead paper showing specific dates of business dealings with you and indicating your address during the period in question; letters from landlords indicating the

1. Your present address and the beginning and termination dates of your residence at the particular premises; marriage certificate of present and any previous marriages, and documents showing how many previous marriages were terminated; bills, letters or receipts from your gas, electric, water or telephone company showing the dates during which you received service from it.

NOTE: Women unemployed since marriage and unable to furnish evidence in their own names may furnish evidence in the names of their parents or other persons with whom they have been living if affidavits of the parents or other persons are submitted attesting to residence with them. If any of the documents are lengthy or bulky, only the pertinent parts should be attached.

(2) Affidavits of creditable witnesses, preferably citizens of the United States, who have personal knowledge of and can vouch for the continuity of your residence in the United States. Where practicable, such affidavits shall be executed on Form I-488 (Affidavit of Witness).

NOTE: If entry occurred prior to July 1, 1924, a record of lawful admission may be created as of the date of such entry. Therefore, if you have resided continuously in the United States since a date prior to July 1, 1924, it is very important to furnish evidence establishing that fact.

6. INTERVIEW.—When you are requested to appear for interview you will be required to bring with you your temporary entry permit (Form I-94, ARRIVAL-DEPARTURE RECORD), and your PASSPORT.

7. INELIGIBILITY. You are ineligible for status as a permanent resident if you checked box "A" or "D" of block 1 and:

(a) You were born in any country of the Western Hemisphere or the islands of Saint Pierre, Miquelon, Cuba, the Dominican Republic, Haiti, Be muda, the Salinas, Barbados, Jamaica, the Windward and Leeward Islands, Trinidad, Martinique and other British, French, and Netherlands territory or possessions in or bordering on the Caribbean Sea.

However, if you are a native or citizen of Cuba who was inspected and admitted or paroled into the United States subsequent to January 1, 1959 and have been physically present in the United States for at least two years; or if you are the spouse or minor unmarried child of such native or citizen of Cuba with whom you are residing in the United States and were yourself inspected and admitted or paroled into the United States subsequent to January 1, 1959 and have been physically present in the United States for at least two years, you are eligible to apply for adjustment of status under the Act of November 2, 1966, and you may apply for adjustment on Form I-485A.

(b) You entered the United States as a member of the crew of a vessel or aircraft, or were destined to join a vessel or aircraft in the United States as a member of the crew when you arrived in this country.

(c) You were not admitted or paroled into the United States following inspection by a United States immigration officer.

(d) You are or have been an exchange alien, subject to, but have not complied with the foreign residence requirement of section 212(e) of the Immigration & Nationality Act and have not been granted a waiver of this requirement. (This ground of ineligibility applies to persons who checked box "A", "B", "C" or "D" of block 1.)

NOTE: If you are ineligible under any of the foregoing but have resided in the United States continuously since prior to June 30, 1948, you may still apply on this form to have a record of lawful admission for permanent residence created under section 249, Immigration and Nationality Act. In such case check box "E" or "F" of block 1.

8. IMMEDIATE RELATIVE AND PREFERENCE ALIENS.—If you are the spouse or minor unmarried child of a United States citizen, or if you are the parent of a United States citizen who is at least 21 years of age, you are classifiable as an immediate relative; a visa petition must be filed in your behalf unless your United States citizen spouse, parent or son or daughter is unable or unwilling to file the petition for a reason other than the cost or inconvenience of doing so.

NOTE: If you checked box "B", "E", or "F" of block 1 of this application, Instruction 8 does not apply to you.

If a visa petition is required to establish immediate relative or preference status, it must have been approved prior to filing this application.

9. IMMEDIATE AVAILABILITY OF IMMIGRANT VISA.—Information as to immediate availability of an immigrant visa may be obtained at the nearest office of this Service.

10. CERTIFICATION OF THE DEPARTMENT OF LABOR.—This instruction applies to you only if: you checked box "D" of block 1 of the application, and you are performing or seek to perform skilled or unskilled labor, and you are seeking adjustment as a nonpreference alien. You are considered to be a nonpreference alien if you are not the beneficiary of a currently valid visa petition approved by the Immigration and Naturalization Service to accord you a preference or immediate

relative classification, and you are not a member of one of the classes of "special immigrants" listed in section 101(a)(27) of the Immigration and Nationality Act, as amended. (The classes of "special immigrants" include certain former citizens of the United States; certain ministers of religious denominations; and certain employees or honorably retired former employees of the United States Government abroad.)

If you are a nonpreference alien who has checked box "D" in item 1 of this application, and you are performing or seek to perform skilled or unskilled labor, you are subject to the requirement contained in section 212(a)(14) of the Immigration and Nationality Act, as amended, of obtaining a certification from the Secretary of Labor that there are not sufficient workers in the United States who are able, willing, qualified, and available to perform such skilled or unskilled labor, and your employment will not adversely affect the wages and working conditions of workers in the United States similarly employed.

If you are a nonpreference alien performing or seeking to perform work in a category of employment for which the Secretary of Labor has determined that he cannot now issue a certification (as listed in Schedule B, Part 60, Title 29, Code of Federal Regulations), you are considered ineligible for adjustment of your status under section 245 of the Immigration and Nationality Act, as amended.

To apply for the Secretary of Labor's certification, you must follow this procedure:

(a) Submit Form MA 7-50A with this application if you are a member of a profession for which the Secretary of Labor does not require a job offer or a person with exceptional ability in the sciences or arts, or if you are qualified and will be employed in an occupation currently listed by the Secretary of Labor on Schedule "A" (29 CFR 60) or Schedule "C" - Prefabrication list (when that list has not been suspended by the Secretary of Labor).

(b) If you are not within the classes of aliens described in paragraph 10(a) above, you must fill out Form MA 7-50A in accordance with the instructions for the completion of that form and send it with documentary evidence of your qualifications specified in paragraph (c) below to your employer or prospective employer. He must complete Form MA 7-50B and must send it, with Form MA 7-50A and documentary evidence of your qualifications, to the local office of the State Employment Service. When and if a certification is issued to your employer, it should be submitted with your application, together with the Forms MA 7-50A and MA 7-50B and the documentary evidence of your qualifications.

(Information concerning the categories of employment currently listed in Schedules A, B, and C, Part 60, Title 29, Code of Federal Regulations, may be obtained at principal offices of the Immigration and Naturalization Service.)

(c) The following documentary evidence of your qualifications must be submitted with your application for a labor certification:

(1) School Records.—If your eligibility is based in whole or in part on higher education or attendance at a technical or vocational school, attach certified copy of school record. The record must show period of attendance, major field of study, and degrees or diplomas awarded.

(2) License or Other Official Permission to Practice a Profession.—If you are a member of a profession, attach a copy of the license or other official permission granted you to practice the profession in the country where you have been found qualified to practice that profession, if a license or other permission is required in that country.

(3) Evidence of Exceptional Ability in the Sciences or the Arts.—If your eligibility is based upon exceptional ability in the sciences or the arts, documentary evidence supporting the claim should be submitted. Such evidence may testify to the universal acclaim and either national or international recognition accorded you; show that you have received a nationally or internationally recognized prize or award or won a nationally or internationally recognized competition for excellence for a specific product or performance or for outstanding achievement; or testify that you are a member in a national or international association of persons which maintain standards of membership requiring outstanding achievement as judged by recognized national or international experts in the specific discipline or field of endeavor.

(4) Affidavits and Published Material.—If your eligibility is based on technical training or specialized experience, documentary evidence supporting the claim should be submitted. The recommended forms of evidence are affidavits or published material.

Affidavits—These must be made by independent sources, such as your former employers or recognized experts familiar with your work, and must:

(a) Identify the affiant, showing the capacity in which he is testifying;

(b) Give the place and the dates during which you gained your experience;

(c) Describe in detail the duties performed, tools used, supervision exercised over you and exercised by you. A mere statement for example that you were employed as a baker is not adequate; and

(d) Show the date on which the affidavit was signed.

Published Material—

(a) Copies of material published by or about you may be submitted.

(b) The material must be identified as to date, place and name of publication.

WARNING: If you contemplate departing from the United States to any country, including Canada or Mexico, before a decision is made on your application, consult with the office of the Immigration and Naturalization Service processing your case before departure, since a departure from the United States may result in a denial of your application. If you have not attached the documents called for by the instructions this application will be returned to you.

Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact or using any false document in the submission of this application.

INSTRUCTIONS

To request allocation of a visa number for the preference or nonpreference case under Section 245 complete form in triplicate and mail original and one copy to Visa Control Office. In other cases where outstanding instructions require the form to be forwarded to the Visa Control Office, it shall be prepared in duplicate and the original placed in the file. When grant of permanent residence becomes final, the file copy shall be appropriately endorsed. In cases where permanent residence is granted without referral to the Visa Control Office, except where Selective Service is to be notified, only an original I-181 need be prepared and placed in the file.

In addition to the above copies, a copy of Form I-181, noted to show the date permanent residence status is granted, shall be forwarded to the State Director of Selective Service in the case of every male alien born on or after September 15, 1925, and who has reached 18 years of age.

PREFERENCE: Under Section 245, the priority date will be the filing date of the petition.

NON-PREFERENCE: Under Section 245, the priority date shall be fixed by the following factors, whichever is the earliest; (1) the priority date accorded the applicant by the consular officer as a non-preference immigrant; (2) the date on which application Form I-485 is filed, if the applicant establishes that the provisions of section 212(a)(14) of the Act do not apply to him or that he is a qualified member of an occupation within Schedule A, 29 CFR 60; or (3) the date of issuance of an individual certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act, if such individual certification is required.

Check and complete the block re certifications on the form as appropriate in a nonpreference case.

REMARKS: If the visa number requested is based on Section 202(b)(1), (2), (3), or (4), or Section 203(a)(9) of the Act explain as appropriate in 'Remarks' block."

IMPORTANT Please read attached instructions before filling out petition. Use typewriter or print in block letters with ball-point pen. Be sure this petition and attached Form I-130A are legible. Do not leave any question unanswered. When appropriate, insert "none" or "not applicable". If you need more space to answer fully any question on this form, use a separate sheet of paper this size and identify each answer with the number of the corresponding question.

ONLY COPY AVAILABLE

Form approved
Budget Bureau No. 43-R0101

PETITION TO
CLASSIFY STATUS OF
ALIEN RELATIVE FOR
ISSUANCE OF IMMIGRANT VISA

Date filed

Fee stamp

TO THE SECRETARY OF STATE:

The petition was filed on

The petition is approved for status under section:

Remarks

☐ 201 (b) SPOUSE, CHILD
☐ 201 (b) PARENT
☐ 203 (a) (1)

☐ 203 (a) (2)
☐ 203 (c) (4)
☐ 203 (a) (5)

DATE OF ACTION
DO
DISTRICT

(PETITIONER IS NOT TO WRITE ABOVE THIS LINE)

1. Petition is hereby made to classify the status of the alien beneficiary for issuance of an immigrant visa as: (Check one)

- ☒ The spouse, child (regardless of age), parent, brother, or sister of a United States citizen.
☐ The spouse or unmarried child (regardless of age) of an alien lawfully admitted to the United States for permanent residence.

Block I. — Information About Alien Beneficiary

2. Name (Last, in CAPS) (First) (Middle) PEREIRA Candido P.		3. Do Not Write in This Space	4. Relationship of beneficiary to petitioner Husband
5. Other names used; Married women give maiden name None			6. Is beneficiary related to you by adoption? No
7. Place of birth (Country) Portugal	8. Date of birth (Month, day, year) 7/15/39		9. Beneficiary's marital status: <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Single
10. Petitioner's name (Last in CAPS) (First) PEREIRA Isobel M.	11. Petitioner's phone		12. Has this beneficiary ever been in the U.S.? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
13. Name of beneficiary's spouse, if married, and date and country of birth (Omit this item if petition is for your spouse) N.A.			
14. Names, birthdates and countries of birth of beneficiary's children, if any David Melo Pereira, February 29, 1972, Carmichael, California, U.S.A.			
15. Full address of beneficiary's spouse and children, if any (Omit this item if petition is for your spouse) N.A.			
16. If this petition is for your spouse or child, give the following:			
a. Date and place of your present marriage May 22, 1972		b. Number of your prior marriages None	c. Number of prior marriages of spouse One
d. Last address at which you and your spouse resided together (Town or city) (State or Province) (Country) Denville, Connecticut, U.S.A.		From To (Month) (Year) (Month) (Year) 417 So. Main 1972	
17. If this petition is for a child, (a) Is the child married? (b) Is the child your adopted child? If so, give the names, dates, and places of birth of all other children adopted by you. If none, so state N.A.			
18. If this petition is for a brother or sister, are both your parents the same as the alien's parents? N.A. If not, submit a separate statement giving full details as to parentage, dates of marriage of parents, and the number of previous marriages of each parent.			
19. If separate petitions are also being submitted for other relatives, give names of each and relationship to petitioner N.A.			
20. Have you ever filed a petition for this alien before? No If so, give place and date of filing and result:			



Block I. -- Information About Alien Beneficiary (Continued)

21. Address in the United States where beneficiary will reside		(City)	(State)
417 So. Main Street		Seymour	Connecticut
22. Address at which beneficiary is presently residing		(Apt. No.) (Number and street) (Town or city) (Province or State) (Zip Code, if in U.S.)	
417 So. Main Street		Seymour	Connecticut
23. If beneficiary is in the United States, give the following information concerning beneficiary:			
a. He last arrived in the U.S. on	b. He last arrived in U.S. as	c. Show date beneficiary's stay expired or will expire as shown on his Form I-94 or I-95:	
(Month) (Day) (Year)	(Visitor, student, exchange alien, crewman, stowaway, etc.)		
July 18, 1968	Visitor/Perm. Res. Hartford 12/14/70		
d. Name and address of present employer		e. Date alien began this employment	
F. MCarrillo		July, 1972	
24. Check the appropriate box below and furnish the information required for the box checked:			
<input type="checkbox"/> Beneficiary will apply for a visa abroad at the American Consulate in _____			
(City in foreign country) (Foreign country)			
<input checked="" type="checkbox"/> Beneficiary is in the United States and will apply for adjustment of status to that of a lawful permanent resident in the Office of the Immigration and Naturalization Service at _____			
(City) (State)			
If the application for adjustment of status is denied, the beneficiary will apply for a visa abroad at the American Consulate in _____			
Lisbon Portugal			
(City in foreign country) (Foreign country)			

Block II. -- Information About Petitioner

25. My name is		(Last)	(First)	(Middle)	26. If you are a married woman, give your maiden name	
Parreira		Isabel	Maria	Falc, Isabel Maria		
I reside in the United States at		(Apt. No.) (Number and street) (Town or city) (State) (ZIP Code)				
417 So. Main Street		Seymour	Connecticut			
27. Address abroad (if any)		(Number and street) (City or town) (Province) (Country)				
None						
28. I was born:		(Month) (Day) (Year)	In: (City or town) (State or Province) (Country)			
9/22/48		Cruz Rago	Cape Verde Islands	Portugal		
29. If you are a citizen of the United States, give the following:						
a. Citizenship was acquired: (Check one)						
<input type="checkbox"/> through birth in the U.S. <input type="checkbox"/> through parents <input type="checkbox"/> through naturalization <input type="checkbox"/> through marriage						
(1) If acquired through naturalization, give name under which naturalized, number of naturalization certificate and date and place of naturalization:						
(2) If acquired through parentage or marriage, have you obtained a certificate of citizenship in your own name based on such acquisition?						
(a) If so, give number of certificate and date and place of issuance:						
(b) If not, submit evidence of citizenship in accordance with Instruction 3a.(2).						
b. Have you or any person through whom you claim citizenship ever lost United States citizenship?						
If so, attach detailed explanation on separate sheet.						
30. If you are a lawful permanent resident alien of the United States, give the following:						
a. Alien Registration Number:		b. Date, place, and means of admission for lawful permanent residence				
A 12 850 412		01/13/63 N.Y.C. T.W.A. at J.F.K.				
c. Have you ever lost status as a lawful permanent resident alien? No If so, explain:						
(If you are married to a citizen of the United States, read instruction 1b carefully)						

Block III. -- Oath or Affirmation of Petitioner

I swear (affirm) that I know the contents of this petition signed by me and that the statements herein are true and correct.	
Signature of petitioner (See Instruction No. 5)	
Isabel M. Parreira	
Subscribed and sworn to (affirmed) before me this _____ day of _____, A.D. 19____, at _____	
(SEAL) My commission expires _____	(Signature of officer administering oath) (Title)

Block IV. -- Signature of Person Preparing Form, If Other Than Petitioner

I declare that this document was prepared by me at the request of the petitioner and is based on all information of which I have any knowledge.			
(Signature)	(Address)	(Date)	
13	13	13	13